

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION**

BRANDON CALLIER

Plaintiff,

v.

Civil Action No. 3:21-cv-182

AFG FUNDING, LLC, AND MEHRDAD  
HERAVI AKA SIA HERAVI,

Defendants.

**AFFIDAVIT OF MEHRDAD HERAVI  
IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS**

Before me, the undersigned notary, on this day personally appeared MEHRDAD HERAVI, a person whose identity was verified by me. After I administered an oath to affiant, the affiant declared:

1. My name is MEHRDAD HERAVI. I am over the age of eighteen (18) years old and am otherwise competent to make this declaration. The facts stated herein are within my personal knowledge and are true and correct.
2. On or about August 9, 2021, the Plaintiff Brandon Callier served this lawsuit on me and AFG Funding, LLC (“AFG Funding”)
3. I am a managing partner of AFG Funding.
4. The Plaintiff Brandon Callier alleges that AFG Funding and I are liable under the Telephone Consumer Protection Act (“TCPA”) 47 U.S.C. § 227(b)(1)(A)(iii), Delivery Restrictions 47 CFR § 64.1200 (“Delivery Restrictions”), and § 302.053 and § 302.101 of the

Texas Business & Commerce Code, for the unsolicited and unauthorized calls to Plaintiff Brandon Callier using an auto dialing system (ATDS) to market business loans and products.

5. However, neither I nor AFG Funding have ever used an ATDS.

6. Plaintiff alleges that AFG Funding and I called him on twenty-one (21) separate occasions, however only one of the alleged calls is from a phone number associated with AFG Funding

7. For the last five years AFG Funding has only used these following phone number numbers are (305) 857-6956, (305) 420-5605, and (305)-992-6745.

8. Plaintiff alleges that I personally participated in the telemarketing and solicitation by calling Plaintiff and sending Plaintiff multiple text messages from my cell phone.

9. Plaintiff alleges that AFG Funding and I amassed lists of thousands of potential customers from public records, and data aggregators, and then made calls using auto texting technology en masse to market our products.

10. I do not participate in telemarketing and solicitation and AFG Funding and I have no such list and only contacted the Plaintiff after the two times he had requested an application for our services.

**Further affiant sayeth not.**

**[SIGNATURES ON NEXT PAGE]**



MEHRDAD HERAVI

State of Florida

County of Miami-Dade to-wit:

SWORN TO AND SUBSCRIBED before me this 16<sup>th</sup> day of September, 2021  
by Mehrdad Heravi who has produced FL DC # H610-59057-340-0 as identification.



NOTARY PUBLIC  
SHERRY ANN CROGNALE  
Commission # GG 164828  
Expires March 31, 2022  
Bonded Thru Budget Notary Services



Sherry Ann Cognale

Notary Public, State of Florida

Print Name: Sherry Ann Cognale

My Commission Expires: 3-31-2022